



**IT IS ORDERED as set forth below:**

**Date: October 25, 2010**

**Paul W. Bonapfel**  
**U.S. Bankruptcy Court Judge**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	)	BANKRUPTCY CASE
	)	
LISA PHOENIX,	)	NO. 08-66994
	)	
Debtor.	)	
	)	
U.S. BANK N.A., BY NATIONAL	)	CONTESTED MATTER PROCEEDING
DEFAULT SERVICING CORPORATION,	)	
THE SERVICING AGENT,	)	
	)	
Movant.	)	CHAPTER 13
vs.	)	
	)	
LISA PHOENIX	)	JUDGE: PAUL W. BONAPFEL
ANDREW PHOENIX,	)	
MARY IDA TOWNSON, Trustee,	)	
	)	
Respondents.	)	
	)	

CONSENT ORDER DENYING MOTION FOR RELIEF FROM STAY AS TO  
DEBTOR AND ORDER GRANTING MOTION FOR RELIEF FROM  
THE CO-DEBTOR STAY (#43)

The above styled Motion having been set down for a hearing before the Court on September 29, 2010, upon Notice of Assignment of Hearing to each of the above-captioned parties in interest,

and it appearing to the Court that the parties consent hereto;

IT IS HEREBY ORDERED that the Motion for Relief from Stay as to Debtor with respect to 3908 Hadley Farm Drive, Marietta, Georgia is denied, as the parties herein agree that the interest of Movant is adequately protected by payment and performance as more particularly set forth hereinafter.

FURTHER ORDERED that the post-petition arrearage through October 31, 2010, totals \$7,388.94, including one (1) payment of \$820.19, one (1) late charge of \$32.81, five (5) payments of \$892.89 each, five (5) late charges of \$35.72 each, one (1) payment of \$892.89, one (1) inspection fee of \$200.00, \$150.00 for a filing fee and \$650.00 in reasonable attorney's fees.

This arrearage shall be paid as follows:

Debtor is ordered to pay the sum of \$7,242.11 instant. Debtor shall receive credit for the sum of \$146.83 in his/her suspense account. Beginning November 1, 2010 Debtor shall resume timely remittance of the regular monthly mortgage payments. Payments should be sent to National Default Servicing Corporation, 2525 E. Camelback Road, Suite 200, Phoenix, AZ 85016 or to such address as may be designated.

FURTHER ORDERED that should Debtor default in payment of any sum specified herein, or in any regular monthly mortgage payments which come due according to Movant's Note and Deed for a period of six (6) months from the date of entry of this Order, then upon notice of default sent by first class mail to Debtor and Debtor's

attorney, and failure of Debtor to cure such default within ten (10) days from the date of receipt of such notice, Movant may file a motion and affidavit of default with the Court, with service upon Debtor and Debtor's attorney, and the Court may enter an Order lifting the automatic stay, without further notice or hearing.

FURTHER ORDERED that upon completion of any foreclosure sale, any funds in excess of the amount due to Movant under its Note and Security Deed, and to any subordinate lienholder(s) properly entitled to receive proceeds under applicable State Law, shall be paid to the Trustee for the benefit of the Estate.

FURTHER ORDERED that there having been no appearance by the co-debtor, the motion for relief from the co-debtor stay is granted.

END OF DOCUMENT

CONSENTED TO BY:

/s/ Leigh Bailey, Bar No. 140299 for  
Melissa Sawyers, Bar No. 142597  
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File Number: SUNS-08-00065

/s/ Carrie L. Oxendine  
by Leigh Bailey with express permission  
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NO OPPOSITION:

/s/ Brandi L. Kirkland  
by Leigh Bailey with express permission  
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DISTRIBUTION LIST

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